



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUL 28 2004

DOT-E 13546

EXPIRATION DATE: July 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: RUTGERS Organics Corporation
State College, PA
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain hazardous materials specified in Paragraph 6 along a public road of not more than 50 yards without shipping papers, marking, labeling, and emergency response information on the transport vehicle. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 172, Subparts C, D, and E; § 172.602(c)(1); § 172.604(a)(3); § 177.817; § 177.823(a) as it pertains to marking only.
5. BASIS: This exemption is based on the application of RUTGERS Organics Corporation dated February 23, 2004 and supplemental information, dated June 4, 2004, submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
As appropriate	3, 8, & 9	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:a. PACKAGING - Packaging must be as follows:

(1) The hazardous materials including wastes must be packaged as authorized in § 172.101.

(2) Non-bulk packages containing the hazardous materials specified in Paragraph 6 must not exceed the capacities of 55 gallons in steel drums.

(3) Bulk packages must not exceed the capacities of 6,500 gallons for cargo tanks and 275 gallons for polyethylene totes.

(4) A descriptive name of the materials shall be affixed to the outside of each non-bulk package.

(5) Bulk packages must be marked with the identification number as required by § 172.331.

(6) In lieu of shipping papers, the vehicle operator must possess an internal tracking document that describes the general types of hazardous material being transported.

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b. OPERATIONAL CONTROLS -

(1) This exemption authorizes the transport of packages containing hazardous materials from the "production and office" to "warehouse" areas via a public road (Paddy's Run Road) in Harrison, Ohio by the most direct route not more than 50 yards in one-way driving distance.

(2) Packages must be prepared, packed, loaded, unloaded and transported by trained employees of Rutgers Organics Corporation.

(3) Non-bulk packages may be transported using forklifts (a maximum of two at a time) loaded with pallets with not more than four drums per pallet.

(4) The vehicle operator must have the ability to contact the company emergency response team in the event of an emergency, e.g. by telephone, radio, etc.

(5) Employees familiar with emergency response must be available all times during transportation under this exemption.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.10. MODAL REQUIREMENTS:

a. Only company-owned or company-controlled private motor vehicles are authorized. No common carriers may be used.

b. A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

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11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

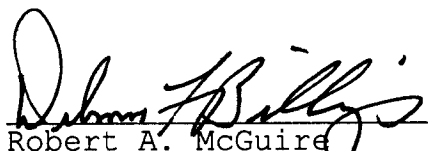
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

for 
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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Date

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: STH